HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.14956 of 2001

Dated 24th August, 2005

Between:

S.Subrahmanyam, S/o.S.Venkata Krishnaiah,

Aged about 55 years, Asst. Executive Officer,

Tirumala Tirupati Devastanam,

Computer Centre (Accounts), Room No.72,

T.T.D. Admn. Buildings, Tirupati, Chittoor Dist. .. Petitioner

And

The Executive Officer,

Tirumala Tirupati Devastanams,

Tirupati, Chittoor Dist. .. Respondent

HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.14956 of 2001

ORAL ORDER:

When the matter was called on 23.8.2005, none appeared for the petitioner, therefore, it was posted today for dismissal. Today also

none appeared for the petitioner nor was there any representation on his behalf.

The case of the petitioner is that in the year 1968, he joined in T.T.D. Service as Lower Division Clerk. Later, he was promoted to different positions in various cadres, and in the year 2001, he was promoted to the post of Assistant Executive Officer. In response to the Circular dated 16.7.1991, the petitioner applied for the post of E.D.P. Manager in T.T.D. and he was selected for the post by the duly constituted selection committee, but he was not designated as such. The Government, vide G.O.Ms.No.809, dated 19.9.1997, accorded sanction for creation of one post of E.D.P. Manager on permanent basis. He made representation to the respondent to consider his case for that post. The respondent issued a notification dated 25.4.2001 inviting applications from the eligible candidates for the post of E.D.P. Manager on three years' contract basis. The petitioner's further case is that when he is an inservice candidate with 17 years experience, the provision for appointing outsider on contract basis by ignoring him is detrimental to the interest of inservice candidate and is highly arbitrary and illegal. Therefore, the petitioner has filed this writ petition challenging the notification dated 25.4.2001.

The learned counsel for the respondent has contended that there are no grounds to interfere with the notification dated 25.4.2001.

There is no factual foundation with regard to the challenging of the notification dated 25.4.2001 as arbitrary, illegal and violative of Article 14 of the Constitution of India. The contents of the affidavit would only go to show with regard to the selection of the post as E.D.P. Manager, creation of post by the Government and submission of representations to the authorities to appoint him on contract basis. The counter filed by the respondent would go to show that the selection committee did not select the petitioner to the post of E.D.P. Manager since this post demands highly technically qualified person in computer industry. Inasmuch as the petitioner was not qualified and selected for the said post by the duly constituted selection

committee, he cannot turn down and challenge the notification. Even otherwise, there is no factual foundation as to how the notification is bad in law or illegal and arbitrary. In the absence of these aspects, the writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

24.08.2005

bcj